



The David J. Joseph Company



June 8, 2004

RECORDATION NO. 24987 FILED

Mr. Vernon Williams  
Recordations Unit  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, DC 20423-0006

JUN 10 '04 12:27 PM

SURFACE TRANSPORTATION BOARD

Dear Mr. Williams:

Please find enclosed, two (2) originals of the Memorandum of Railroad Equipment Lease Agreement dated as of April 20, 2004 between the following parties:

Lessee: Lehigh Southwest Cement Company  
15390 Wonderland Blvd.  
Redding, CA 96003

Lessor: The David J. Joseph Company  
300 Pike Street  
Cincinnati, OH 45202

Please see the Memorandum attached hereto for the equipment, one (1) locomotive, involved in this transaction.

This filing is to appear in the index as follows: Memorandum of Railroad Equipment Lease Agreement dated April 20, 2004 related to one (1) locomotive bearing reporting mark JTPX 1235.

Please file this agreement as a primary document. The amount of \$30.00 is included on the enclosed check No. 558998 for the filing fees for this document. Please return a stamped original to my attention.

Should you have any questions or need further information, please do not hesitate to contact me at (513) 419-6062.

Sincerely,

The David J. Joseph Company

Julie M. Woodard  
Documentation Coordinator

Enclosures

RECORDATION NO. 24987 FILED

**MEMORANDUM OF  
RAILROAD EQUIPMENT LEASE AGREEMENT**

**JUN 10 '04 12:27 PM**

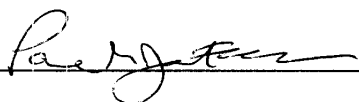
**SURFACE TRANSPORTATION BOARD**


This **MEMORANDUM OF RAILROAD EQUIPMENT LEASE** ("Memorandum of Lease") entered into this 20<sup>th</sup> day of April, 2004, is intended to evidence the lease dated as of April 20, 2004 (the "Lease"), between **THE DAVID J. JOSEPH COMPANY**, a Delaware corporation ("Lessor"), and **LEHIGH SOUTHWEST CEMENT COMPANY**, a California corporation ("Lessee"), for the purpose of satisfying the requirements of recordation with the Surface Transportation Board under Section 49 of U.S.C. 11301. Lessee has the right to use the one (1) locomotive marked JTPX 1235 (the "Unit"). Lessee is renting from Lessor the Unit at the rentals and upon the terms and conditions provided in the Lease.

**IN WITNESS WHEREOF**, Lessor and Lessee, each pursuant to due corporate authority, has executed this Memorandum of Lease on the date indicated below its signature.

**THE DAVID J. JOSEPH COMPANY**

**LEHIGH SOUTHWEST CEMENT COMPANY**

By:   
Name: Paul G. Jantsch  
Title: Executive Vice President  
Date: April 20, 2004

By:   
Name: JAMES ELLISON  
Title: PLANT MANAGER  
Date: 5/26/04

STATE OF OHIO )  
 )  
COUNTY OF HAMILTON )

SS:

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of April, 2004,  
by Paul G. Jantsch, the Executive Vice President of The David J. Joseph Company, a  
Delaware corporation, on behalf of the corporation.



LINDA M. BAUGHMAN  
Notary Public, State of Ohio  
My Commission Expires  
July 22, 2007

Linda M. Baughman  
Notary Public

STATE OF California )  
 )  
COUNTY OF Shasta )

SS:

The foregoing instrument was acknowledged before me this 26 day of May,  
2004, by James F. Ellison, the Plant Manager of Lehigh  
Southwest Cement Company, a California corporation, on behalf of the corporation.

A. M. Parker  
Notary Public

My Commission expires:

April 30, 2006

